

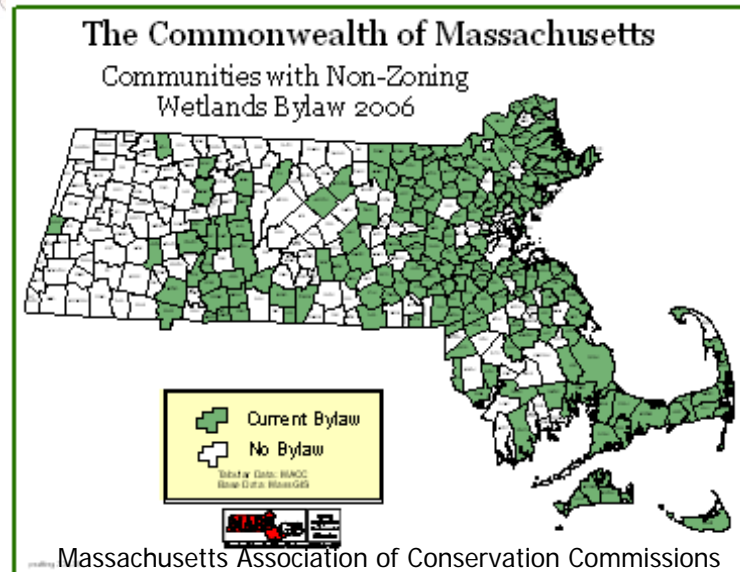
Comprehensive List of Regulatory Requirements for Dam Removal in Massachusetts

LOCAL

- Wetlands Protection Act – Order of Conditions

Other – Depends on Scope of Work and Municipality

- Local Wetlands Protection By-law or Ordinance – Order of Conditions
- Special Permit for Work in a Floodplain
- Zoning Variance
- Building Permit



Comprehensive List of Regulatory Requirements for Dam Removal in Massachusetts

STATE (Massachusetts)

- Water Quality Certification (Section 401)
- Chapter 253 Dam Safety Permit

Other – Depends on Scope of Work (e.g. dredging)

- Chapter 91 Waterways License
- Mass Historical Commission Project Notification Form
- MEPA Review
 - Environmental Notification Form
 - Environmental Impact Report
- Beneficial Use Permit

FEDERAL

- Section 404 Permit
- NPDES Permit

Wetlands Protection Act

Limited Project Provision

310 CMR 10.53 (4)

Notwithstanding the provisions of 310 CMR 10.54 through 10.58, the issuing authority may issue an Order of Conditions for projects which will **improve the natural capacity of a resource area(s)** to protect the interests identified in M.G.L. c. 131, § 40 (although no such project may be permitted which will have any adverse effect on specified wildlife habitat sites of rare vertebrate or invertebrate species as identified by procedures established under 310 CMR 10.59). Such projects include, but are not limited to, the removal of aquatic nuisance vegetation to retard pond and lake eutrophication and the thinning or planting of vegetation to improve habitat value.



Dam Removal Permit Challenges

- ❖ Environmental review and permitting *costs* can rival project implementation costs if there is not a clear understanding of the regulatory process or information expectations
- ❖ Regulatory review is usually *consistent with that applied to development/construction projects*, without regard to the long-term benefits of aquatic resource restoration
- ❖ *Time frames* for environmental review and permitting often lead to delays in implementation that are deleterious to aquatic resources and, at times, endanger project funding
- ❖ Mindset to protect wetland or resource area not resource functions and values
- ❖ *Multiple* applications, plan formats, thresholds and points of contact can confuse and delay

